

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Claim Status

Claims 57-83 were pending in the Application. Claims 57-67, 69-83 stand rejected. Claims 84-86 has been added. Claims 57, 59, 70, 71, 74, and 81 have been amended. Claims 57-86 are now pending in this Application.

Telephonic Interview

The Applicants thank the Examiner for the telephonic interview on March 29, 2004. During the Telephonic Interview, Claims 57, 70, and 74 were discussed. Also during the Telephonic Interview, U.S. Patent No. 6,076,317 and U.S. Patent No. 5,675,946 were discussed. No agreement was reached during the Telephonic Interview.

Objection to the Drawings

On page 2 of the Office Action, the Examiner objected to the Drawings. The Examiner stated "the utility in-feed being a flexible conduit 74 within a recess 106 in the top of the furniture, as claimed in claim 73, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered."

The Applicants respectfully traverse and submit that Figures 35 and 36 show "the utility infeed is a flexible conduit within a recess in the top of the furniture" (see for example Figures 35, 36; Specification at paragraph [0112]).

The Applicant request withdrawal of the objection to the Drawings.

Objection to the Claims

On page 2 of the Office Action, the Examiner objected to Claim 83. The Examiner stated that "Claim 83 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. . . . Specifically, lines 5-6 of amended claim 57 include the subject matter recited in claim 83."

Claim 57, as amended, renders this objection moot. The Applicant request withdrawal of the objection to the claims.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

On pages 2-3 of the Office Action, the Examiner rejected Claims 57, 59, and 71 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regard as the invention.

Regarding Claim 57, the Examiner stated that [t]here is insufficient antecedent basis for [the article of furniture] limitation in the claim. Examiner interpreted this to be the furniture element." Claim 57 has been amended and is believed to be in compliance with 35 U.S.C. § 112 ¶ 2.

Regarding Claim 59, the Examiner stated that the "language ['can be associated'] is indefinite. It is not clear how are these features related?" Claim 59 has been amended and is believed to be in compliance with 35 U.S.C. § 112 ¶ 2.

Regarding Claim 71, the Examiner stated the "language ['associated'] is vague. How are the canopy and light fixtures related?" Claim 71 has been amended has been amended and is believed to be in compliance with 35 U.S.C. § 112 ¶ 2.

The Examiner also stated that "Claims 58-69, 77, 78, and 83 are also rejected due to their dependence on claim 57." Dependent Claims 58-69, 77, 78, and 83, which depend from independent Claim 57 (as amended), are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant requests withdrawal of the rejection of Claims 57, 59, and 71, and Claims 58-69, 77, 78, and 83 under 35 U.S.C. § 112 ¶ 2.

Claim Rejections – 35 U.S.C. § 103(a)

On pages 3-5 of the Office Action the Examiner rejected Claims 57-60, 67, 69, 77, and 83 as being obvious over U.S. Patent No. 6,076,317 titled “Lightweight Bridge for Office Paneling Systems” issued on June 20, 2000 to Hellwig et al. (“Hellwig et al. '317”) in view of U.S. Patent No. 4,635,417 titled “Portable Partitioning Panel” issued on January 13, 1987 to Larouche (“Larouche”) under 35 U.S.C. § 103(a).

On pages 6-7 of the Office Action the Examiner rejected Claims 61-66 as being obvious over Hellwig et al. '317 in view of Larouche, U.S. Patent No. 5,675,946 titled “Privacy Screen for Office Paneling Systems” issued on October 14, 1997 to Verbeek et al. (“Verbeek et al.”), and U.S. Patent No. 4,180,298 titled “Relocatable Furniture System” issued on December 25, 1979 to Borgerson et al. (“Borgerson et al.”) under 35 U.S.C. § 103(a).

The Examiner acknowledged that Hellwig et al. '317 does not disclose “a top element or section 14 carrying utilities into a workspace.”

The Examiner stated that Larouche discloses

Columns 67 permit connection of various plugs and connectors extending along the length of each plythe 63 to the telephone network or the electric network, through a plurality of supply wires 69 that can be easily passed through the ceiling. Passing telephone and electrical wires through the column and ceiling constitutes routing these utilities at or above the top section 14 of the panels 4.

The Examiner concluded that

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arrangement of Hellwig so that the utilities entered the workspace from the ceiling and into the top element 14 of panels 4.

One of ordinary skill would have been motivated to make such a modification to provide telephone and electrical utilities to the panels very easily, because it avoids installing directly onto the floor a plurality of wires always difficult to hide and which generally can only be connected by a specialized labour.

The Examiner also acknowledged that "neither Hellwig nor Larouche discloses the bridge 6 being configured for sliding movement along the spline 5 and the member 50 configured for rolling movement."

The Examiner stated that Verbeek et al. discloses "inter-related slides 56, 58, 60 [that] are interpreted as constituting a track."

The Examiner stated that Borgerson et al. "discloses in figures 1 and 2, a cabinet 10 supported on a track horizontally mounted on a wall 12 and the cabinet 10 having casters 29, 30."

The Examiner concluded that

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bridge arrangement 6 of Hellwig so that it is configured for sliding movement along the spline 5 and to modify the member 50 to have vertically adjustable casters.

One of ordinary skill would modify the bridge arrangement 6 to slide along the spline 5 to provide a simple method to move the bridge arrangement along the spline 5.

One of ordinary skill would modify the member 50 to have vertically adjustable casters to easily roll the member 50 on a floor. The casters would then be vertically shortened and the height adjustable glides 56 could be vertically adjusted to support the member 50.

Claim 57 (as amended) is in independent form and recites a "system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space" comprising, in combination with other elements, a "utility beam having a first end coupled for translating movement along the top

section of the article of furniture and a second end projecting into the work space and coupled to a top section of the utility access extension” wherein “the utilities are supplied between the top section of the article of furniture and the top section of the utility access extension to the utility delivery zone at a point away from the article of furniture”. Claims 58-67, 69, 77, and 83 depend from independent Claim 57 (as amended).

Hellwig et al. '317 is directed to a “lightweight bridge for office paneling systems.” The “bridge arrangement 6 provides visual privacy between two work stations, but does leave a gap, generally shown as 13, between a lower edge of the bridge arrangement and the floor” (see col. 3, lines 17-20; Figure 1). The “top of the bridge arrangement is positioned at the same height as the office panels 4 or at least at predetermined heights thereof (typically as a function of the elements)” (see col. 3, lines 20-23).

Larouche is directed to a “system for rapidly partitioning a building space” (col. 4, line 19). “The panels 1 used for partitioning the building space are mounted on supports 3 that are previously placed onto the floor of the building according to the consumer’s desired pattern” (col. 4, lines 24-27). Columns 67 are used to supply “plynthes 63” with power. A “plurality of supply wires 69” are “passed through the ceiling of the building” to the columns 67 and the plynthes 63.

Verbeek et al. is directed to a “privacy screen for office paneling systems.” “The privacy screen 10 is moveable from the open position of FIG. 1 to the closed position of FIG. 2 where the workstation [9] is isolated from the hallway [11]” (see col. 2, lines 41-49).

Borgerson is directed to a “relocatable furniture system” including “caster mounted cabinets [that] may be rolled into engagement with a wall mounted support rail . . .” (see Abstract).

The “system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” recited in independent Claim 57 (as amended) would not have been obvious in view of Hellwig et al. '317, alone or in any proper combination with Larouche, Verbeek et al., and Borgerson et al. under 35 U.S.C. § 103(a). Hellwig et al. '317 alone or in any proper combination with Larouche, Verbeek et al., and Borgerson et al. does not disclose, teach or suggest a “system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” comprising, in combination with other elements, a “utility beam having a first end coupled for translating movement along the top section of the article of furniture and a second end projecting into the work space and coupled to a top section of the utility access extension” wherein “the utilities are supplied between the top section of the article of furniture and the top section of the utility access extension to the utility delivery zone at a point away from the article of furniture.”

To transform the “bridge arrangement” of Hellwig et al. '317, the “portable panels” of Larouche, the “privacy screen” of Verbeek et al., and/or the “relocatable furniture system” of Borgerson et al. into a “system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” (as recited in Claim 57) would require still further modification, and such modification is taught only by Applicant’ own disclosure. The suggestion to make the combination of Hellwig et al. '317 and Larouche, Verbeek et al., and Borgerson et al. has been taken from Applicant’ own specification (using hindsight), which is improper.

The “system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work

space” recited in independent Claim 57, considered as a whole, would not have been obvious in view of Hellwig et al. '317 and/or Larouche, Verbeek et al., and Borgerson et al. The rejection of Claim 57 over Hellwig et al. '317 in view of Larouche, Verbeek et al., and Borgerson et al. under 35 U.S.C. § 103(a) is improper. Therefore, Claim 57 is patentable over Hellwig et al. '317 in view of Larouche, Verbeek et al., and Borgerson et al.

Dependent Claims 58-67, 69, 77, and 83, which depend from independent Claim 57 (as amended), are also patentable. See 35 U.S.C. § 112 ¶ 4.

Applicant respectfully request withdrawal of the rejection of Claims 57-67, 69, 77, and 83 under 35 U.S.C. § 103(a).

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On pages 7-8 of the Office Action the Examiner rejected Claims 70-72 and 74-76, as being obvious over Hellwig et al. '317 in view of Larouche and U.S. Patent No. 5,241,796 titled “Securing Bracket” issued on September 7, 1993 to Hellwig et al. (“Hellwig et al. '796”) under 35 U.S.C. § 103(a). On page 8 of the Office Action the Examiner rejected Claims 79-82 as being obvious over Hellwig et al. '317 in view of Larouche and Hellwig et al. '796 under 35 U.S.C. § 103(a).

The Examiner acknowledged that neither Hellwig et al. '317 nor Larouche “disclose mounting a light fixture on the bridge 6 and routing the utilities to the beam at or above the top element.”

The Examiner stated that Hellwig et al. '796 “discloses in figure 1 and in column 4, lines 4-7, mounting a light on a panel, and the light having a shade. The light is a light fixture and the shade is a small canopy.”

The Examiner concluded that

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount a light having a shade on the bridge 6 of [Hellwig et al. '317], and to route the utilities to the bridge arrangement/panel/beam 6 at or above the top element 14.

One of ordinary skill would be motivated to make such modifications to focus light on the workspace and to avoid installing wires directly on the floor which are difficult to hide and which generally can only be connected by specialized labor.

On pages 9-10 of the Office Action the Examiner rejected Claim 73 as being obvious over Hellwig et al. '317 in view of Larouche, Hellwig et al. '796, and U.S. Patent No. 5,277,007 titled "Office Panel with Top Lay-In Passageway" issued on January 11, 1994 to Hellwig et al. ("Hellwig et al. '007").

The Examiner acknowledged that neither Hellwig et al. '317 nor Larouche nor Hellwig et al. '796 "discloses the utility in-feed being a flexible conduit within a recess in the top of the furniture." The Examiner stated that Hellwig et al. '007 discloses "lay-in wire panels 12 that are preferably always at the top of an office paneling system."

The Examiner concluded that

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bridge arrangement/panel 6 of [Hellwig et al. '317] by disposing a channel in the top of the bridge arrangement/panel 6 and disposing flexible utility wires in the channel.

One of ordinary skill would be motivated to make such modifications to conceal utility wires and provide power to a workspace.

Hellwig et al. '317 is directed to a "lightweight bridge for office paneling systems."

The "bridge arrangement 6 provides visual privacy between two work stations, but does leave a gap, generally shown as 13, between a lower edge of the bridge arrangement and the floor" (see col. 3, lines 17-20; Figure 1). The "top of the bridge arrangement is positioned at the same

height as the office panels 4 or at least at predetermined heights thereof (typically as a function of the elements)" (see col. 3, lines 20-23).

Larouche is directed to a "system for rapidly partitioning a building space" (col. 4, line 19). "The panels 1 used for partitioning the building space are mounted on supports 3 that are previously placed onto the floor of the building according to the consumer's desired pattern" (col. 4, lines 24-27). Columns 67 are used to supply "plynthes 63" with power. A "plurality of supply wires 69" are "passed through the ceiling of the building" to the columns 67 and the plynthes 63.

Hellwig et al. '007 is directed to "office panel with top lay-in passageway."

Hellwig et al. '796 is directed to a "securing bracket." "Each office panel 6 has a number of horizontal slots 8 which are exposed between the horizontal junction between vertically spaced decorative elements 12" (see col. 2, lines 36-47). "It is also possible to use these horizontal slots 8 and the securing bracket 20 for securing of other equipment, such as a light, generally shown as 60 in FIG. 1" (see col. 4, lines 4-7).

Independent Claim 70

Claim 70 (as amended) is in independent form and recites a "floor supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space" comprising, in combination with other elements, an "overhead utility beam . . . configured for translating movement relative to the article of furniture" and "a utility delivery zone positioned vertically below the overhead utility beam at a point away from the article of furniture" wherein "the utilities are routed to the overhead utility beam at or above the top section of the article of furniture" and wherein "the utilities are routed from the overhead beam to the utility delivery zone at a point

away from the article of furniture". Claims 71-73, 79, and 80 depend from independent Claim 70 (as amended).

The "floor supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space" recited in independent Claim 70 (as amended) would not have been obvious in view of Hellwig et al. '317, alone or in any proper combination with Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 under 35 U.S.C. § 103(a). Hellwig et al. '317 alone or in any proper combination with Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 does not disclose, teach or suggest a "floor supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space" comprising, in combination with other elements, an "overhead utility beam . . . configured for translating movement relative to the article of furniture" and "a utility delivery zone positioned vertically below the overhead utility beam at a point away from the article of furniture" wherein "the utilities are routed to the overhead utility beam at or above the top section of the article of furniture" and wherein "the utilities are routed from the overhead beam to the utility delivery zone at a point away from the article of furniture".

To transform the "bridge arrangement" of Hellwig et al. '317, the "portable panels" of Larouche, the "horizontal slots" and "light" of Hellwig et al. '796, and/or the "lay-in wire panels" of Hellwig et al. '007 into a "floor supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space" (as recited in Claim 70) would require still further modification, and such modification is taught only by Applicant' own disclosure. The suggestion to make the combination of Hellwig et al. '317 and Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 has been taken from Applicant' own specification (using hindsight), which is improper.

The “floor supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” recited in independent Claim 70, considered as a whole, would not have been obvious in view of Hellwig et al. '317 and/or Larouche, Hellwig et al. '796, and/or Hellwig et al. '007. The rejection of Claim 70 over Hellwig et al. '317 in view of Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 under 35 U.S.C. § 103(a) is improper. Therefore, Claim 70 is patentable over Hellwig et al. '317 in view of Larouche, Hellwig et al. '796, and/or Hellwig et al. '007.

Independent Claim 74

Claim 74 (as amended) is in independent form and recites a “wall supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” comprising, in combination with other elements, an “overhead utility beam having a first end movably coupled to the top section of the article of furniture and a second end projecting into the work space and coupled to a top section of the utility access extension, the overhead utility beam configured to supply utilities to the utility delivery zone at a point away from the furniture” wherein “the utilities are routed to the overhead utility beam at or above the top section of the article of furniture”. Claims 75, 76, 81, and 82 depend from independent Claim 74 (as amended).

The “wall supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” recited in independent Claim 74 (as amended) would not have been obvious in view of Hellwig et al. '317, alone or in any proper combination with Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 under 35 U.S.C. § 103(a). Hellwig et al. '317 alone or in any proper combination with Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 does not disclose,

teach or suggest a “wall supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” comprising, in combination with other elements, an “overhead utility beam having a first end movably coupled to the top section of the article of furniture and a second end projecting into the work space and coupled to a top section of the utility access extension, the overhead utility beam configured to supply utilities to the utility delivery zone at a point away from the furniture” wherein “the utilities are routed to the overhead utility beam at or above the top section of the article of furniture”.

To transform “bridge arrangement” of Hellwig et al. '317, the “portable panels” of Larouche, the “horizontal slots” and “light” of Hellwig et al. '796, and/or the “lay-in wire panels” of Hellwig et al. '007 into a “wall supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” (as recited in Claim 74) would require still further modification, and such modification is taught only by Applicant’ own disclosure. The suggestion to make the combination of Hellwig et al. '317 and Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 has been taken from Applicant’ own specification (using hindsight), which is improper.

The “wall supported system for use in a work space and configured to distribute utilities away from at least one article of furniture having a top section carrying the utilities into the work space” recited in independent Claim 74, considered as a whole, would not have been obvious in view of Hellwig et al. '317, Larouche, Hellwig et al. '796, and/or Hellwig et al. '007. The rejection of Claim 74 over Hellwig et al. '317 in view of Larouche, Hellwig et al. '796, and/or Hellwig et al. '007 under 35 U.S.C. § 103(a) is improper. Therefore, Claim 74 is patentable over Hellwig et al. '317 in view of Larouche, Hellwig et al. '796, and/or Hellwig et al. '007.

Dependent Claims 71-73, 75, 76 and 79-82, which depend from independent Claims 70 and 74, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Applicant respectfully request withdrawal of the rejection of Claims 70-76 and 79-82 under 35 U.S.C. § 103(a).

* * *

The Applicant respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. The Applicant request reconsideration and allowance of pending Claims 57-86.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 3/31/07

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